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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,200	12/18/2003	Charles R. Obranovich	SYS-P-1230 (8364-90585)	2226
7590 Patent Services Group Honeywell International, Inc. 101 Colubia Road P. O. Box 2245 Morristown, NJ 07962			EXAMINER PAUL, DISLER	
			ART UNIT 2615	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			02/23/2007	
			DELIVERY MODE PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/740,200

Applicant(s)

OBRANOVICH ET AL.

Examiner

Disler Paul

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/21/04 abd 5/31/05</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims (1,4-10 and 32-39); (18-21); (11-15) provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims (1,5-11) ;(19-22);(12-16) of copending Application No.(US 2005/0216263 A1). Although the conflicting claims are not identical, they are not patentably distinct from each other because official Notice is taken that the limitation of transceiver being wireless with coupling of the circuits is commonly known in the art, thus it would have been obvious

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for one of ordinary skill in the art to have coupled circuit with transceiver wirelessly for purpose of interfacing the two systems.

3. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-6, 11-17, 29-31, 32-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Finn et al. ("US 2002/0141601 A1").

Re claim 1, Finn et al. disclosed a system comprising: a plurality of fixedly mountable microphones ("fig.10/(508,552,554,556); page 10[0074] line 1-2") ; and circuits coupled to respective microphones including circuitry for evaluating intelligibility of audio received by the respective microphones ("fig.10/(570,572,574,576)-to analyzed")

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the intelligibility of the respective microphones and page 10[0074] line 5-8") and generating an indicator of intelligibility on a per microphone basis, the circuits each include a network output port ("fig.10/(580,582,584,586)-output indicator for each respective intelligibility analyzed microphones/ which is in itself the output port being outputted at (578)").

Re claim 4, a system as in claim 1 which includes at least one audio output device which produces speech intelligibility test signals which will be received by the microphones ("Finn,fig.10-the device speaker output of (514)-to be pick up by the microphones at fig.9/(512)respectively for speech intelligibility").

Re claim 5, a system as in claim 4, which includes control circuits coupled to the microphones and the audio output device, the control circuits couple electrical representations of the speech intelligibility test signals to the output device ("Finn,fig.10/(578);page 10[0076] line 8-10").

Re claim 6, a system as in claim 5 which includes a plurality of audio output devices coupled to the control

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circuits ("Finn, fig. 10- with the plurality of output devices (514, 558, 560")).

Re claim 11, a method comprising: generating at least one speech intelligibility test signal("fig. 10/(514-558)-to generate speech intelligibility"); sensing the speech intelligibility test signal at least one fixed location ("fig. 10/(508, 552, 556) - so to sense the speech intelligibility"); evaluating the intelligibility of the sensed speech intelligibility test signal("fig. 10/(570-576) to evaluate the speech intelligibility").

Re claim 12, a method as in claim 11 which includes generating a plurality of speech intelligibility test signals ("fig. 10/514, 558, 560").

Re claim 13, a method as in claim 11 which includes sensing the speech intelligibility test signal at a plurality of spaced apart, fixed locations ("fig. 10/(508, 552, 554)").

Re claim 14, a method as in claim 13 which includes: transmitting the sensed speech intelligibility test signal from

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the plurality of locations to a common site and then processing same to evaluate intelligibility thereof ("fig.10/ all the many sensed speech pick at (508,556) is analyzed((570-576) and sent to (578)"))).

Re claim 16, a method as in claim 14 where the sensed speech intelligibility test signals receive initial processing prior to being coupled to the common site ("fig.10-the initial process at (570-576) prior to couple to common site at (578)"))).

Re claim 17, have been analyzed and rejected with respect to claim 16 above.

Re claim 29, Finn et al. discloses a system comprising: a plurality of networkable microphones ("fig.10/(508-556)"); however, Finn et al. fail to explicitly disclose at least one processor for carrying out speech index processing responsive to audio incident on at least one of the microphones. However, Finn et al. discloses of the circuitry which does calculation so as to determined intelligibility of the audio pick up by the sensor("page 10[0075] line 7-18 and fig.10(570)"), thus, for calculation to be performed, it is inherent that there much

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exist such processor in the circuit for carrying out speech index processing responsive to audio incident.

Re claim 30, a system as in claim 29, which includes a plurality of processors, each member of the plurality is coupled to and receives audio input signals from a respective microphone ("fig.10(58-586)").

Re claim 31, has been analyzed and rejected with respect to claim 30 above.

Re claim 32, has been analyzed and rejected with respect to claim 1.

Re claim 33, a system as in claim 32, has been analyzed and rejected with respect to claim 4.

Re claim 34, a system as in claim 33 which includes control circuits coupled to the audio output device, the control circuits couple electrical representations of the speech intelligibility test signals to the output device ("fig.10/(578)").

Re claim 35, has been analyzed and rejected with respect to claim 6.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3,7-10, 18-20,22-28,36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finn et al.("US 2002/0141601 A1") and further in view of Faltesek et al.("US 2005/0105743 A1").

Re claim 2, a system as in claim 1, However, Finn et al. fail to disclose the system being included a plurality of ambient condition detectors with at least some of microphones carried by respective ones of the detectors. But, Faltesek et al. discloses a system with audio feedback from a region being monitored which included a plurality of ambient condition detectors with at least some of microphones carried by

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respective ones of the detectors("fig.1-2;page 2[0037] line 7-8;page2[0040] line 1-3") for the purpose of feeding fire sounds as well as temperature information to a displaced site for processing. Thus taking the combined teaching of Finn et al. and Faltesek et al. as a whole, it would have been obvious for one of ordinary skill in the art to modify the teaching of Faltesek et al. by incorporating the plurality of ambient condition detectors with at least some of microphones carried by respective ones of the detectors for the purpose of feeding fire sounds as well as temperature information to a displaced site for processing.

Re claim 3, a system as in claim 2 where at least some of the circuits are carried by respective ones of the detectors coupled to respective microphones also carried by the same detector ("Faltesek, fig.1-detector(20) with (16) enable to carry the microphones (14)").

Re claim 7, a system as in claim 6 which includes a plurality of distributed ambient condition detectors ("Faltesek, fig.1-2; page 3[0040] line 1-3").

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Re claim 8, a system as in claim 7 where at least some of the detectors carry respective ones of the microphones

("Faltesek, fig.1-detector(20) with (16) enable to carry the microphones (14)").

Re claim 9, a system as in claim 5, however, the recently modified teaching of teaching of Finn et al. and Faltesek et al. as a whole, fail to teach the control circuits include at least one of logic or executable instructions for producing speech intelligibility test signals to be audibly output by the at least one audio output device. But, Faltesek et al. teach the system with audio feedback in which the control circuits include at least one of logic or executable instructions for producing speech intelligibility test signals to be audibly output by the at least one audio output device ("fig.2-control circuits(32) to be outputted at (34) and page 3[0041] line 4-7;page 3[0046] line 5-9") for the purpose of coupling/linking the circuitry to the output device. Thus taking the now recently modified teaching of Finn et al. and Faltesek et al. as a whole, it would have been obvious for one of ordinary skill in the art to modify the former modified teaching of Finn et al. and Faltesek et al. as a whole, by incorporating the the control circuits include at least one of logic or executable instructions for producing

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speech intelligibility test signals to be audibly output by the at least one audio output device for the purpose of coupling/linking the circuitry to the output device.

Re claim 10, a system as in claim 9 which includes additional logic or executable instructions for processing the speech intelligibility test signals received from the respective microphones ("Faltesek, page 3[0046] line 3-6- additional stored speech could be executed by circuits").

Re claim 15, a method as in claim 14, However, Finn et al. fail to disclose the processing at the common site includes visually presenting processing results. But, Faltesek et al. discloses a system with audio feedback from a region being monitored in which the processing at the common site includes visually presenting processing results ("fig.2, process info at(32) to be visually present at (34)") for the purpose of better understanding the on-going, developing, fire-condition where individuals in need of rescue may be found. Thus taking the combined teaching of Finn et al. and Faltesek et al. as a whole, it would have been obvious for one of ordinary skill in the art to modify the teaching of Finn et al. by incorporating

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the system with audio feedback from a region being monitored in which the processing at the common site includes visually presenting processing results for the purpose of better understanding the on-going, developing, fire-condition where individuals in need of rescue may be found.

Re claim 18, Finn et al. discloses an apparatus comprising: control circuits coupled to the sensor ("fig.10-with control circuitry (570-576,578 and page 10[0074] line 5-8") ; a microphone coupled to the control circuits ("fig.10/508-556; page 10 [0074] line 1-2") , the control circuits establishing an intelligibility index in response to signal from the microphone ("fig.10/(570-576); page 10[0075]"). However, Finn et al. fail to disclose the apparatus comprising at least one ambient condition sensor. But, Faltesek et al. disclose a system in which include at least one ambient condition sensor ("fig.1/(29)") for the purpose of feeding fire sounds as well as temperature information to a displaced site for processing. Thus, taking the combined teaching of Finn et al. and Faltesek et al. as a whole, it would have been obvious for one of the ordinary skill in the art to modify Faltesek et

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al. by incorporating the system in which include at least one ambient condition sensor for the purpose of feeding fire sounds as well as temperature information to a displaced site for processing.

Re claim 19, an apparatus as in claim 18, which provides at least one port for connection of external microphones(" Finn,fig.10-all microphones are connected via port/medium heading to switch (578)").

Re claim 20, an apparatus as in claim 18, however the recently combined teaching of the combined teaching of Finn et al. and Faltesek et al. as a whole, fail to teach of the network communications port. But, Faltesek disclose a system with a network communication port ("fig.2/ port to provide communication with (32 and 34)") for the purpose of coupling the processing circuitry to the output device for interface. Thus, taking the now modified teaching of Finn et al. and Faltesek et al. as a whole, it would have been obvious for one skill in the art to have the network communications port for the purpose of coupling the processing circuitry to the output device for interface.

Re claim 22, an apparatus as in claim 18 where the ambient condition sensor comprises at least one of a smoke sensor, a flame sensor, a thermal sensor or a gas sensor ("Faltesek, fig.1/(20)").

Re claim 23, has been analyzed and rejected with respect to claim 9.

Re claim 24, an apparatus as in claim 23 which includes a network communications port, the port facilitating coupling electrical energy to at least the control circuits, and coupling intelligibility indices at least from the control circuits to a medium.

Re claim 25, an apparatus as in claim 24 where the communications port includes an interface for carrying out bi-directional communication via a medium ("Faltesek, fig.2-bi-directional (32,34)").

Re claim 26, An apparatus as in claim 25, however, the combined teaching of combined teaching of Finn et al. and Faltesek et al. as a whole, fail to teach of the interface

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includes circuits coupled to at least one of an electrical cable or an optical cable. However, Official Notice is taken that this limitation is commonly known, thus it would have been obvious for one ordinary skill in the art to have the interface includes circuits coupled to at least one of an electrical cable or an optical cable for purpose of coupling the circuits with the cables.

Re claim 27, an apparatus comprising: a microphone with an electrical output corresponding to incident audio ("fig.10/508-incident audio to sense by mics"); control circuits coupled to the microphone ("fig.10/(580,570.578)"), the control circuits implement intelligibility processing in connection with incident audio ("fig.10/570;page 10[0075]"); however, Finn et al., fail to teach of the network communications port. But, Faltesek disclose a system with a network communication port ("fig.2/ port to provide communication with (32 and 34)") for the purpose of coupling the processing circuitry to the output device for interface. Thus, taking the modified teaching of Finn et al. and Faltesek et al. as a whole, it would have been obvious for one skill in the art to modify the teaching of Finn et al. by incorporating the network communications port for the

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purpose of coupling the processing circuitry to the output device for interface.

Re claim 28, an apparatus as in claim 27, however, the recently modified teaching of Finn et al. and Faltesek et al. as a whole, fail to disclose the housing attachable to a mounting surface. However, and Faltesek et al. discloses a system with housing attachable to a mounting surface ("fig.1/18, page 2[0037] line 7-8-where each housing may be place/attached at regions in (fig.2/R)") for the purpose of insuring that the entire region is accessible to outputs from one or more speakers. Thus, taking the combined teaching of Finn et al. and Faltesek et al. as a whole, it would have been obvious for one of ordinary skill in the art to modify the former teaching of Finn et al. and Faltesek et al. as a whole, by incorporating the housing attachable to a mounting surface for the purpose of insuring that the entire region is accessible to outputs from one or more speakers.

Re claim 36-39, has been analyzed and rejected with respect to claim 7-10 respectively.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Finn et al. ("US 2002/0141601 A1") and further in view of Faltesek et al. ("US 2005/0105743 A1") and further in view of Kenneth Dylan Jacob ("US 2002/009551 A1"),

Re claim 21, an apparatus as in claim 20, however, the combined teaching of Finn et al and Faltesek et al. as a whole, fail to teach the intelligibility index comprises at least one of STI, RASTI, SII, or, a subset of one of STI, RASTI, SII. But Jacob disclose an audio spectrum analyzer in which the intelligibility index comprises at least one of STI, RASTI, SII, or, a subset of one of STI, RASTI, SII. ("page 1[0005-0007]") for the purpose of measuring the speech intelligibility of sound signals. Thus, taking the combined teaching of Finn et al and Faltesek et al. and now Jacob as a whole, it would have been obvious for one of ordinary skill in the art to modify the teaching of Finn et al. and Faltesek et al. as a whole, by incorporating the intelligibility index comprises at least one of STI, RASTI, SII, or, a subset of one of STI, RASTI, SII for

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the purpose of measuring the speech intelligibility of sound signals.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-272-2222. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

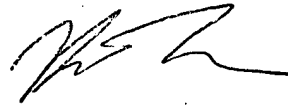
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